

### **REMARKS**

Claims 1-31 are currently pending in the patent application. For the reasons and arguments set forth below, Applicant respectfully submits that the claimed invention is allowable over the cited references.

In the Office Action dated February 25, 2008, the following rejections are present: claims 1 and 6 stand rejected under 35 U.S.C. § 102(e) over the McKissick reference (US Patent Pub. No. 2007/0124795); and claims 2-5 and 7-31 stand rejected under 35 U.S.C. § 103(a) over the McKissick reference in view of the Oshita reference (US Patent No. 5,796,441).

Applicant has amended claims 1 and 6 to include limitations of one or more of claims 2-5 and/or 7-31. Accordingly, Applicant respectfully submits that the rejections under 35 U.S.C. § 102(e) over McKissick are moot:

Regarding the rejections under 35 U.S.C. § 103(a) over the McKissick reference in view of the Oshita reference, Applicant respectfully submits that the combination of McKissick and Oshita is improper and would not function properly. The relied upon portion of the Oshita reference teaches providing data (*i.e.*, teletext data) from a central office to remote displays during the vertical blanking interval (VBI). Applicant respectfully submits that the teletext data is taught to be a broadcast message, and thus, is not specifically targeted toward a destination set top box. Thus, the use of Oshita would frustrate the messaging aspects of McKissick because neither reference suggests that Oshita's transmission mechanism would be suitable for targeted messages. Moreover, the Office Action's reason for combining the references is to send data on a single channel with all types of data multiplexed together. Thus, use of the broadcast-related data transmission techniques taught by the Oshita reference would result in text messages being received and displayed by more than the intended destination and frustrate a purpose of the McKissick reference (*i.e.*, sending data to a specific set top box). Moreover, the only support in the record for providing targeted messaging between set top boxes using an output transport stream, such as MPEG-2 format, is found in Applicant's specification.

Applicant further notes that the Office Action's assertion that "it was well known in the art to provide such elements," fails to address the specific combination of the

McKissick and Oshita references being asserted. For example, the Office Action has not shown that the McKissick reference teaches that the packet header includes a destination address. Applicant respectfully submits that such destination information is not taught to be part of the Oshita header (as it would not be necessary for a broadcast message). A close inspection of the McKissick reference shows this to be the case:

Both packets begin with a two-byte synchronization pattern or syncword 42, followed by one byte of flag information 44 that identifies the packet type. These three bytes 42 and 44 constitute the header information of the packet.  
McKissick at col. 3, lines 61-65.

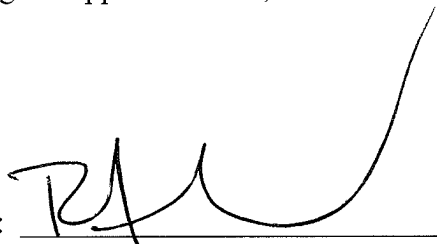
Applicant further notes that claim 2, as amended, explicitly calls out limitations directed to assigning a reserved program identifier to the data packets. Certain embodiments of Applicant's invention allow for an otherwise-broadcast related transmission to include targeted messages (*e.g.*, by allowing the destination boxes to select packets based upon reserved program identifiers). The combination of the McKissick and Oshita references proposed by the Office Action fails to show correspondence to such limitations

Accordingly, the rejections cannot stand and Applicant respectfully requests that they be withdrawn.

In view of the remarks above, Applicant believes that each of the rejections/objections has been overcome and the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is asked to contact the agent overseeing the application file, Peter Zawilski, of NXP Corporation at (408) 474-9063.

*Please direct all correspondence to:*

Corporate Patent Counsel  
NXP Intellectual Property & Standards  
1109 McKay Drive; Mail Stop SJ41  
San Jose, CA 95131  
CUSTOMER NO. 65913

By:   
Name: Robert J. Crawford  
Reg. No.: 32,122  
(NXPS.492PA)